

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES of AMERICA

PLAINTIFF

V.

NO. 5:06-CR-50056

RENE VILLANUEVA-CAMACHO

DEFENDANT

O R D E R

Before the court is the Defendant's Motion for Remission or Reduction of Fine (Doc. 37) filed June 30, 2008. The Government filed a Response (Doc. 39) on July 9, 2008. The Defendant has not filed a Reply.

The court being fully advised finds that the Defendant has not set forth any valid basis for the remission or reduction of the fine assessed at plea but contends that it is not reasonable to incarcerate him and to also fine him. The Defendant did file a Habeas Corpus action under 28 U.S.C. section 2255 (Doc. 33) on March 21, 2008 but did not raise the issue of the fine in the Habeas petition. The fine was within the statutory range and that the Motion is hereby DENIED.

IT IS SO ORDERED this September 2, 2008.

/s/ J. Marschewski

HONORABLE JAMES R. MARSCHEWSKI
United States Magistrate Judge